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**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

TERRY LEE ARGAST, PH.D.  
30011 Ivy Glenn, Ste. 205  
Laguna Niguel, California 92677

Psychologist License No. PSY 4396

Respondent.

Case No. W 233

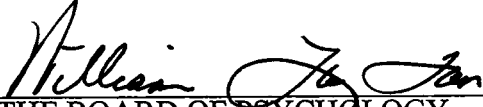
OAH No. L-2002080174

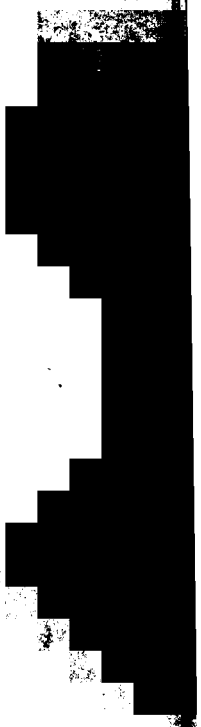
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 3, 2004.

It is so ORDERED February 2, 2004.

  
\_\_\_\_\_  
FOR THE BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
WILLIAM LEW TAN, PRESIDENT



BILL LOCKYER, Attorney General  
of the State of California  
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Attorneys for Complainant

**BEFORE THE  
BOARD OF PSYCHOLOGY  
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TERRY LEE ARGAST, PH.D.  
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Laguna Niguel, California 92677

Psychologist License No. PSY 4396

Respondent.

Case No. W 233

OAH No. L-2002080174

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
above-entitled proceedings that the following matters are true:

**PARTIES**

1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board  
of Psychology. He brought this action solely in his official capacity and is represented in this  
matter by Bill Lockyer, Attorney General of the State of California, by Cindy M. Lopez, Deputy  
Attorney General.

2. Respondent Terry Lee Argast, Ph.D. (Respondent) is represented in this  
proceeding by attorney O. Brandt Caudill, Jr., whose address is CALLAHAN, McCUNE &  
WILLIS LLP, 111 Fashion Lane, Tustin, California 92780-3397.

3. On or about July 14, 1975, the Board of Psychology issued Psychologist

1 License No. PSY 4396 to Terry Lee Argast, Ph.D. (Respondent). The License was in full force  
2 and effect at all times relevant to the charges brought in Accusation No. W 233 and will expire  
3 on July 31, 2003, unless renewed.

4 JURISDICTION

5 4. Accusation No. W 233 was filed before the Board of Psychology (Board),  
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
7 and all other statutorily required documents were properly served on Respondent on June 1,  
8 2002. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of  
9 Accusation No. W 233 is attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and  
12 understands the charges and allegations in Accusation No. W 233. Respondent has also carefully  
13 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
14 Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
18 the right to present evidence and to testify on his own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

24 CULPABILITY

25 8. Respondent admits that he was grossly negligent in his care and treatment  
26 of psychological assistant P.D.

27 9. Respondent agrees that his Psychologist License is subject to discipline  
28 and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary

1 Order below.

2 CONTINGENCY

3 10. This stipulation shall be subject to approval by the Board of Psychology.  
4 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
5 Psychology may communicate directly with the Board regarding this stipulation and settlement,  
6 without notice to or participation by Respondent or his counsel. By signing the stipulation,  
7 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind  
8 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
9 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall  
10 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
11 between the parties, and the Board shall not be disqualified from further action by having  
12 considered this matter.

13 11. The parties understand and agree that facsimile copies of this Stipulated  
14 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
15 force and effect as the originals.

16 12. In consideration of the foregoing admissions and stipulations, the parties  
17 agree that the Board may, without further notice or formal proceeding, issue and enter the  
18 following Disciplinary Order:

19 DISCIPLINARY ORDER

20 IT IS HEREBY ORDERED that Psychologist License No. PSY 4396 issued to  
21 Respondent Terry Lee Argast, Ph.D. is revoked. However, the revocation is stayed and  
22 Respondent is placed on probation for seven (7) years on the following terms and conditions.

23 1. ACTUAL SUSPENSION As part of probation, respondent is suspended  
24 from the practice of psychology for 180 days beginning with the effective date of this Decision.  
25 During the suspension, any probation period is tolled and will not commence again until the  
26 suspension is completed.

27 2. PRACTICE MONITOR Within 180 days of the effective date of this  
28 Decision, respondent shall submit to the Board or its designee for prior approval, the name and

1 qualifications of a psychologist who has agreed to serve as a practice monitor/billing monitor.  
2 The monitor shall 1) be a California-licensed psychologist with a clear and current license; 2)  
3 have no prior business, professional, personal or other relationship with respondent; and 3) not be  
4 the same person as respondent's therapist. The monitor's education and experience shall be in the  
5 same field of practice as that of the respondent.

6 Once approved, the monitor shall submit to the Board or its designee a plan by  
7 which respondent's practice shall be monitored. Monitoring shall consist of a least one hour per  
8 week of individual face to face meetings and shall continue during the entire probationary period.  
9 The respondent shall provide the monitor with a copy of this Decision and access to respondent's  
10 fiscal and/or patient records. Respondent shall obtain any necessary patient releases to enable the  
11 monitor to review records and to make direct contact with patients. Respondent shall execute a  
12 release authorizing the monitor to divulge any information that the Board may request. It shall be  
13 respondent's responsibility to assure that the monitor submits written reports to the Board or its  
14 designee on a quarterly basis verifying that monitoring has taken place and providing an  
15 evaluation of respondent's performance.

16 Respondent shall notify all current and potential patients of any term or condition  
17 of probation which will affect their therapy or the confidentiality of their records (such as this  
18 condition which requires a practice monitor/billing monitor). Such notifications shall be signed  
19 by each patient prior to continuing or commencing treatment.

20 If the monitor quits or is otherwise no longer available, respondent shall obtain  
21 approval from the Board for a new monitor within 30 days. If no new monitor is approved  
22 within 30 days, respondent shall not practice until a new monitor has been approved by the Board  
23 or its designee. During this period of non-practice, probation will be tolled and will not  
24 commence again until the period of non-practice is completed. Respondent shall pay all costs  
25 associated with this monitoring requirement. Failure to pay these costs shall be considered a  
26 violation of probation.

27 3. NOTIFICATION TO EMPLOYER Respondent shall provide each of his  
28 or her employers, where respondent is providing psychological services, a copy of this Decision

1 and the Accusation or Statement of Issues before commencing employment. Notification to the  
2 respondent's current employer shall occur no later than the effective date of the Decision.  
3 Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of  
4 compliance with this term of probation.

5           4.     PSYCHOTHERAPY Within 180 days of the effective date of this  
6 Decision, a therapist shall be selected by the respondent for approval by the Board. The therapist  
7 shall 1) be a California-licensed psychologist with a clear and current license; 2) have no  
8 previous business, professional, personal, or other relationship with respondent; and 3) not be the  
9 same person as respondent's monitor. Respondent shall furnish a copy of this Decision to the  
10 therapist. Psychotherapy shall, at a minimum, consist of one hour per week over a period of 26  
11 weeks after which it may continue or terminate upon the written recommendation of the therapist  
12 with approval by the Board or its designee. The Board or its designee may order a re-evaluation  
13 upon receipt of the therapist's recommendation.

14                 Respondent shall execute a release authorizing the therapist to provide to the  
15 Board or its designee any information the Board deems appropriate, including quarterly reports of  
16 respondent's therapeutic progress. It shall be respondent's responsibility to assure that the  
17 required quarterly reports are filed by the therapist in a timely manner. If the therapist notifies  
18 the Board that the therapist believes the respondent cannot continue to safely render  
19 psychological services, respondent shall immediately cease accepting new patients and, in  
20 accordance with professional standards, shall appropriately refer/terminate existing patients  
21 within 30 days and shall not resume practice until a Board-appointed evaluator determines that  
22 respondent is again safe to practice. During this period of non-practice, probation shall be tolled  
23 and will not commence again until the period of non-practice is completed.

24                 If, prior to the termination of probation, respondent is found not to be mentally fit  
25 to resume the practice of psychology without restrictions, the Board shall retain continuing  
26 jurisdiction over the respondent's license and the period of probation shall be extended until the  
27 Board or its designee determines that the respondent is mentally fit to resume the practice of  
28 psychology without restrictions.

Cost of psychotherapy is to be paid by the respondent.

5. COURSEWORK Respondent shall take and successfully complete not less than 12 hours each year of probation in the following areas: multiple role relationships. Coursework must be preapproved by the Board or its designee. All coursework shall be taken at the graduate level at an accredited educational institution or by an approved continuing education provider. Classroom attendance is specifically required; correspondence or home study coursework shall not count toward meeting this requirement. The coursework must be in addition to any continuing education courses that may be required for license renewal.

Within 180 days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval a plan for meeting the educational requirements. All costs of the coursework shall be paid by the respondent.

6. ETHICS COURSE Within 180 days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval a course in laws and ethics as they relate to the practice of psychology. Said course must be successfully completed at an accredited educational institution or through a provider approved by the Board's accreditation agency for continuing education credit. Said course must be taken and completed within one year from the effective date of this Decision. The cost associated with the law and ethics course shall be paid by the respondent.

7. JURISPRUDENCE EXAMINATION Respondent shall take the California Jurisprudence and Professional Ethics Examination (CJPEE) within 180 days of the effective date of the decision. If respondent fails such examination, respondent shall immediately cease accepting new patients and, in accordance with professional standards, shall appropriately refer/terminate existing patients within 30 days and shall not resume practice until the re-examination has been successfully passed, as evidenced by written notice to respondent from the Board or its designee. During this period of non-practice, probation shall be tolled and will not commence again until the suspension is complete. It is respondent's responsibility to contact the Board in writing to make arrangements for such examination. Respondent shall pay the established examination fees.

1                   8.     INVESTIGATION/ENFORCEMENT COST RECOVERY Respondent  
2 shall pay the Board its costs of investigation and enforcement in the amount of \$3,200 within the  
3 first two years of probation. Such costs shall be payable to the Board of Psychology and are to be  
4 paid regardless of whether the probation is tolled. Failure to pay such costs shall be considered a  
5 violation of probation.

6                   The filing of bankruptcy by respondent shall not relieve respondent of the  
7 responsibility to repay investigation and enforcement costs.

8                   9.     PROBATION COSTS Respondent shall pay the costs associated with  
9 probation monitoring each and every year of probation. Such costs shall be payable to the Board  
10 of Psychology at the end of each fiscal year (June 30). Failure to pay such costs shall be  
11 considered a violation of probation.

12                  The filing of bankruptcy by respondent shall not relieve respondent of the  
13 responsibility to repay probation monitoring costs.

14                  10.    OBEY ALL LAWS Respondent shall obey all federal, state, and local  
15 laws and all regulations governing the practice of psychology in California including the ethical  
16 guidelines of the American Psychological Association. A full and detailed account of any and all  
17 violations of law shall be reported by the respondent to the Board or its designee in writing  
18 within seventy-two (72) hours of occurrence.

19                  11.    QUARTERLY REPORTS Respondent shall submit quarterly  
20 declarations under penalty of perjury on forms provided by the Board or its designee, stating  
21 whether there has been compliance with all the conditions of probation. Quarterly reports  
22 attesting to non-practice status are to be submitted if probation is tolled.

23                  12.    PROBATION COMPLIANCE Respondent shall comply with the Board's  
24 probation program and shall, upon reasonable notice, report to the Board of Psychology  
25 probation monitor. Respondent shall contact the assigned probation monitor regarding any  
26 questions specific to the probation order. Respondent shall not have any unsolicited or  
27 unapproved contact with 1) complainants associated with the case; 2) Board members or  
28 members of its staff; or 3) persons serving the Board as expert evaluators.



1           13.    INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall  
2 appear in person for interviews with the Board or its designee upon request at various intervals  
3 and with reasonable notice.

4           14.    CHANGES OF EMPLOYMENT Respondent shall notify the Board in  
5 writing, through the assigned probation monitor, of any and all changes of employment, location,  
6 and address within 30 days of such change.

7           15.    TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-  
8 STATE NON-PRACTICE In the event respondent should leave California to reside or to  
9 practice outside the State, or for any reason should respondent stop practicing psychology in  
10 California, respondent shall notify the Board or its designee in writing within ten days of the  
11 dates of departure and return or the dates of non-practice within California. Non-practice is  
12 defined as any period of time exceeding thirty days in which respondent is not engaging in any  
13 activities defined in Sections 2902 and 2903 of the Business and Professions Code. During  
14 periods of non-practice, the probationary period is tolled and respondent's license or registration  
15 shall be placed on inactive status. The probationary period will not commence again until  
16 respondent activates his or her license and resumes practicing psychology in the state of  
17 California. However, the Board may require respondent to complete certain terms of probation  
18 that are not associated with active practice and respondent will be required to pay cost recovery  
19 and restitution as ordered.

20           16.    EMPLOYMENT AND SUPERVISION OF TRAINEES If respondent is  
21 licensed as a psychologist, he shall not employ or supervise or apply to employ or supervise  
22 psychological assistants, interns or trainees during the course of this probation. Any such  
23 supervisory relationship in existence on the effective date of this probation shall be terminated  
24 by respondent and/or the Board.

25           17.    FUTURE REGISTRATION OR LICENSURE If respondent is registered  
26 as a psychological assistant or registered psychologist and subsequently obtains other  
27 psychological assistant or registered psychologist registrations or becomes licensed as a  
28 psychologist during the course of this probationary order, this Decision shall remain in full force

1 and effect until the probationary period is successfully terminated. Future registrations or  
2 licensure shall not be approved, however, until respondent is currently in compliance with all of  
3 the terms and conditions of probation.

4 18. VIOLATION OF PROBATION If respondent violates probation in any  
5 respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke  
6 probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to  
7 Revoke Probation is filed against respondent during probation, the Board shall have continuing  
8 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
9 is final. No Petition for Modification or Termination of Probation shall be considered while  
10 there is an Accusation or Petition to Revoke Probation pending against respondent.

11 19. COMPLETION OF PROBATION Upon successful completion of  
12 probation, respondent's license shall be fully restored.

13  
14  
15 ACCEPTANCE

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
17 have fully discussed it with my attorney, O. Brandt Caudill, Jr.. I understand the stipulation and  
18 the effect it will have on my Psychologist License. I enter into this Stipulated Settlement and  
19 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
20 Decision and Order of the Board of Psychology.

21 DATED: 9-2-03.

22  
23   
24 TERRY LEE ARGAST, PH.D.  
25 Respondent  
26  
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1 I have read and fully discussed with Respondent Terry Lee Argast, Ph.D. the terms and  
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
3 Order. I approve its form and content.

4 DATED: 9.12.03.

5  
6 O. Brandt Caudill  
7 O. BRANDT CAUDILL, JR.  
8 Attorney for Respondent

9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
11 submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

12  
13 DATED: 9.3.03.

14 BILL LOCKYER, Attorney General  
15 of the State of California

16 Cindy M. Lopez  
17 CINDY M. LOPEZ  
18 Deputy Attorney General  
19 Attorneys for Complainant

20 DOJ Docket/Matter ID Number: 03598160-LA02 1199  
21 argast-stip.wpd  
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1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOHN E. DeCURE, State Bar No. 150700  
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5 Los Angeles, CA 90013  
Telephone: (213)897-2568  
6 Facsimile: (213)897-1071

7 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
BOARD OF PSYCHOLOGY  
SACRAMENTO July 9 20 02  
BY *M. Jacobmann* ANALYST

8  
9 **BEFORE THE**  
**BOARD OF PSYCHOLOGY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. W233

12 TERRY LEE ARGAST, Ph.D.  
13 30011 Ivy Glenn, Suite 205  
14 Laguna Niguel, CA 92677

**ACCUSATION**

15 Psychologist's License No. PSY 4396

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Complainant Thomas O'Connor ("Complainant") brings this Accusation  
21 solely in his official capacity as the Executive Officer of the Board of Psychology, Department of  
22 Consumer Affairs, State of California ("Board").

23 2. On or about July 14, 1975, the Board issued Psychologist's License  
24 Number PSY 4396 to Terry L. Argast, Ph.D. ("Respondent"). Said license will expire on July 31,  
25 2003 unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the  
28 following sections of the Business and Professions Code ("Code").

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1 (j), of the Code because he committed acts of gross negligence in his care, treatment,  
2 employment and supervision of patient P.D.<sup>1</sup> occurring after June of 1995. The circumstances  
3 are as follows:

4 8. In or about May 1984, patient P.D., a female patient who at the time was  
5 31 years old, became a psychotherapy patient of Respondent, initially for conjoint therapy with  
6 P.D.'s husband, D.D. After four sessions, Respondent suggested that P.D. begin individual  
7 psychotherapy with him, which she did. During the course of individual therapy, which  
8 continued until December of 1991, Respondent made sexual advances toward P.D, including  
9 kissing her on the mouth and fondling her breasts in December of 1987, and in or about March of  
10 1998, Respondent began having sexual intercourse with P.D.

11 9. During the fall of 1991, P.D. was working as a psychological assistant for  
12 a psychologist who was in the process of retiring from practice. Respondent agreed to accept  
13 P.D. as his psychological assistant, but informed P.D. that they would have to terminate their  
14 therapy relationship, which they did. Respondent did not refer P.D. to another therapist when he  
15 terminated her therapy, and he told P.D. she did not need ongoing counseling. However,  
16 Respondent continued to do hypnosis and age regression therapy with P.D. over the course of  
17 their association as psychologist and psychological assistant.

18 10. While supervising P.D., Respondent did not offer formal supervision, but  
19 supervision which became synonymous with "personal time" to be spent together on personal  
20 matters, including sexual relations.

21 11. In or about 1995, Respondent approached P.D. about doing some  
22 bookkeeping work for his corporation and the Southern California Society of Ericksonian  
23 Psychotherapy and Hypnosis ("the Society"). Respondent told the patient that he would pay her  
24 \$100 per month. The job took 25 to 30 hours per week, so P.D. told Respondent she needed more  
25 pay. Respondent raised her compensation to \$10 per hour, but he told P.D. he didn't think her

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26  
27 1. The names of patients are not revealed here to protect their privacy rights.  
28 Respondent will be provided with patient names upon receipt of his written request for  
discovery.

1 work for his corporation should take more than an hour, and he told her he would pay her \$300  
2 for the work for the Society. He also agreed to pay her malpractice insurance. Although P.D. did  
3 not feel that this arrangement fairly compensated her, she continued to perform the bookkeeping  
4 work from 1995 through and including 1997. P.D. thereafter also continued to feel inadequately  
5 compensated for her efforts. When she discussed this with Respondent, Respondent told her he  
6 couldn't pay her any more, but suggested that P.D. could handle disability cases. Respondent  
7 then allowed P.D. to perform disability testing on cases while she was working out of an office in  
8 Central California, even though Respondent was in Southern California and could not supervise  
9 P.D.'s work.

10           12. On or about May 17, 1999, P.D. sent a message to Respondent by  
11 electronic mail (i.e., e-mail) which was intercepted by Respondent's wife. This resulted in  
12 Respondent's wife discovering the affair between Respondent and P.D. Respondent's wife also  
13 phoned P.D.'s husband and informed him of the affair. As a result, Respondent told P.D. that she  
14 would have to terminate therapy with her patients within the next month. P.D. terminated therapy  
15 with her patients on or about December 22, 1999, and ended her formal psychological internship  
16 with Respondent on or about January 31, 2000.

17           13. Respondent is subject to disciplinary action under section 2960, subsection  
18 (j), of the Code for committing acts of gross negligence in the following care, treatment,  
19 employment and supervision of P.D. occurring after June of 1995:

20           (a) By engaging in sexual relations with P.D. while supervising her as his  
21 psychological assistant;

22           (b) By not compensating P.D. at a fair rate for the amount of work she  
23 performed for him, and by engaging in a sexual relationship which highly influenced her  
24 participation in a supervisory internship and negatively affected her ability to participate equally  
25 in the internship;

26           (c) By failing to regularly supervise P.D.'s work, which includes allowing  
27 P.D. to perform disability evaluations from an office in Central California; and

28           (d) By continuing to perform hypnosis and age regression treatment on P.D.

1 over the course of their relationship as psychologist and psychological assistant.

2 SECOND CAUSE FOR DISCIPLINE

3 (Repeated Negligent Acts)

4 14. Respondent is subject to disciplinary action under section 2960, subsection  
5 (r), of the Code because he committed repeated acts of negligence in his care, treatment,  
6 employment and supervision of patient P.D. occurring after June of 1995. The circumstances are  
7 as follows:

8 15. Paragraphs 8 through 12 are incorporated by reference as if set forth herein  
9 in full.

10 16. Respondent is subject to disciplinary action under section 2960, subsection  
11 (r), of the Code for committing repeated acts of negligence in the following care, treatment,  
12 employment and supervision of P.D. occurring after June of 1995:

13 (a) By engaging in sexual relations with P.D. while supervising her as his  
14 psychological assistant;

15 (b) By not compensating P.D. at a fair rate for the amount of work she  
16 performed for him, and by engaging in a sexual relationship which highly influenced her  
17 participation in a supervisory internship and negatively affected her ability to participate equally  
18 in the internship;

19 (c) By failing to regularly supervise P.D.'s work, which includes allowing  
20 P.D. to perform disability evaluations from an office in Central California; and

21 (d) By continuing to perform hypnosis and age regression treatment on P.D.  
22 over the course of their relationship as psychologist and psychological assistant.

23 THIRD CAUSE FOR DISCIPLINE

24 (Sexual Relations Substantially Related to Psychology Profession)

25 17. Respondent is subject to disciplinary action under section 2960, subsection  
26 (o) of the Code because he committed sexual misconduct that is substantially related to the  
27 qualifications, functions or duties of a psychologist in his care, treatment, employment and  
28 supervision of patient P.D. occurring after June of 1995. The circumstances are as follows:



1 18. Paragraphs 8 through 12 are incorporated by reference as if set forth herein  
2 in full.

3 19. Respondent is subject to disciplinary action under section 2960, subsection  
4 (o), of the Code for committing sexual misconduct that is substantially related to the  
5 qualifications, functions or duties of a psychologist in the following care, treatment, employment  
6 and supervision of P.D. occurring after June of 1995:

7 (a) By engaging in sexual relations with P.D. while supervising her as his  
8 psychological assistant; and

9 (b) by engaging in a sexual relationship which highly influenced her  
10 participation in a supervisory internship and negatively affected her ability to participate equally  
11 in the internship.

12 FOURTH CAUSE FOR DISCIPLINE

13 (Dishonest or Corrupt Acts)

14 (c) Respondent is subject to disciplinary action under section 2960, subsection  
15 (n) of the Code because he committed dishonest and/or corrupt acts in his care, treatment,  
16 employment and supervision of patient P.D. occurring after June of 1995. The circumstances are  
17 as follows:

18 (d) Paragraphs 8 through 12 are incorporated by reference as if set forth herein  
19 in full.

20 5. Respondent is subject to disciplinary action under section 2960, subsection  
21 (o), of the Code for committing sexual misconduct that is substantially related to the  
22 qualifications, functions or duties of a psychologist in the following care, treatment, employment  
23 and supervision of P.D. occurring after June of 1995:

24 (a) By engaging in sexual relations with P.D. while supervising her as his  
25 psychological assistant; and

26 (b) By not compensating P.D. at a fair rate for the amount of work she  
27 performed for him, and by engaging in a sexual relationship which highly influenced her  
28 participation in a supervisory internship and negatively affected her ability to participate equally

1 in the internship.

2  
3 PRAYER

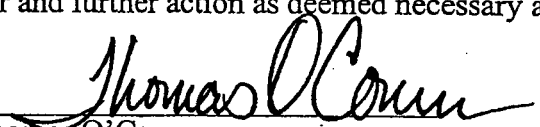
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
5 alleged, and that following the hearing, the Board of Psychology issue a decision:

6 (a) Revoking or suspending Psychologist's License Number PSY 4396,  
7 issued to Terry Lee Argast, Ph.D.;

8 (b) Ordering Terry Lee Argast, Ph.D. to pay the Board of Psychology the  
9 reasonable costs of the investigation and enforcement of this case, and, if placed on probation,  
10 the costs of probation monitoring;

11 (c) Taking such other and further action as deemed necessary and proper.

12 DATE: July 9, 2002

13   
14 Thomas O'Connor  
15 Executive Officer  
16 Board of Psychology  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

20  
21  
22  
23  
24  
25  
26  
27  
28  
29 JD 6/21/02

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation filed  
Against:

Terry Lee Argast, Ph.D.

No.: W233

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Terry Lee Argast, Ph.D.  
30011 Ivy Glen, Ste. 205  
Laguna Niguel, CA 92677

7002 0860 0004 1219 6538

O. Brandt Caudill, Jr.  
Callahan, McCune & Willis LLP  
111 Fashion Lane  
Tustin, CA 92780-3397

Cindy Lopez  
Deputy Attorney General  
Office of the Attorney General  
300 S. Spring Street, Ste. 1702  
Los Angeles, CA 90013

Each said envelope was then on February 2, 2004, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, February 2, 2004, at Sacramento, California.  
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
DECLARANT  
Kathi Burns  
Enforcement Coordinator